REMARKS

In the March 8, 2006 Office Action, the drawings and specification stand objected to, and Claims 1-16 stand rejected. Applicant has submitted replacement drawings and a substitute specification, and has amended Claims 1, 2, 10, and 14. In light of these submissions and amendments, Applicant respectfully requests that the drawings, specification, and claims in this application be reconsidered.

Drawings

The set of replacement drawings filed on June 6, 2004 stand not accepted. In accordance with Applicant's submission of corrected replacement drawings, Applicant respectfully requests these requirements to correct the drawings be withdrawn.

Specification

The disclosure is objected to because of numerous informalities. Due to the number of corrections, please replace the specification with the enclosed substitute specification as allowed under 37 C.F.R. § 1.121 and in compliance with 37 C.F.R. §§ 1.125(b) and (c). The substitute specification includes no new matter. Accordingly, Applicant respectfully requests these objections be withdrawn.

Claim Rejections—35 U.S.C. § 101

Claims 1-16 stand rejected under 35 U.S.C. § 101 based upon the allegation that the claims are directed towards non-statutory subject matter. The Examiner states that Applicant's "object identification, knowledge object generation and deployment, determining a context, a goal of a user's action, capturing user's interactions with software applications, modeling processes" references are abstract ideas. Applicant respectfully disagrees. When the claims are read with the specification, it is obvious that these phrases in the respective claims describe the claimed invention and the type of data that is manipulated. However, in the interests of expediting prosecution of this application, Applicant has amended the various claims to overcome these rejections. In light of these amendments, Applicant respectfully requests these § 101 rejections for Claims 1-16 be withdrawn.

Claim Rejections—35 U.S.C. § 112

Claims 1-16 stand rejected based upon 35 U.S.C. § 112, first paragraph because the Examiner states that such a rejection is necessary if a § 101 rejection is made. Applicant respectfully disagrees with the assertion that the claimed invention has not been sufficiently disclosed. However, in the interests of expediting prosecution of this application, Applicant has made various amendments to overcome the § 101 rejections. In light of these amendments, Applicant respectfully requests these § 112 rejections for Claims 1-16 be withdrawn.

Claim Rejection—35 U.S.C. § 102

Claims 1-9 and 14-16 stand rejected based upon 35 U.S.C. § 102(b) as being anticipated by Bullwinkel (U.S. Patent No. 6,099,317). Applicant respectfully disagrees.

<u>Claim 1</u>

Bullwinkel does not anticipate each and every element of the claim. Bullwinkel is limited to recording events that occur within a *single* specific software application. The Application Player/Recorder (APR) only records those actions performed and occuring in a *single* target software application. The purpose of this record and playback is to teach one to learn the target software application, nothing more. (see Description of the Related Art, para. 2). In other words, Bullwinkel is incapable of recording any action for which the APR was not programmed or any action performed with other software which was not specifically "targeted" or pre-programmed to be utilized by the APR. It is also incapable of recording any action performed outside the software application and/or computer such as recording the visual and auditory events of a phone call, conversation with another employee, or other manual tasks.

Furthermore, Bullwinkel's invention is business process un-aware. As stated in Bullwinkel's Summary of the Invention, the invention is used for "training employees to use computer applications" (see col. 2, lines 7-8), "to determine whether they use the target applications in an efficient manner" (see col. 2, lines 31-33), "evaluate a user's performance within a target application" (see col. 2, lines 58-59), or "graphically demonstrate how to perform an action within a target application" (see col. 2, lines 61-62). All of these purposes and uses of Bullwinkel are narrowly focused on the user's training on a specific software application without regard to, or an awareness of, how that application or user fit into an overall business process. As such, Bullwinkel's invention is incapable of determining context within a business process.

Moreover, Bullwinkel does not and cannot determine user goals. By its nature, the goal is pre-determined by application characterization (see col. 5, lines 12-21 and col. 5, line 56-col 6., line15). For example, if one desires to train users on opening word processing documents, a user must first perform the steps while the application characterization "watches and learns" the task. Once the task is characterized, the goal has been set: opening a word processing document. If the user goal changes, for instance "open a spreadsheet application," Bullwinkel is incapable of determining this change in user goal. Determining goals is simply not a function of Bullwinkel's invention.

In contrast, Applicant's invention as recited in amended Claim 1 is a method comprising the steps of "determining a context of a user's action wherein the action is selected from the group of manual action, computer-based action, or combinations thereof, wherein each action generates business process data originating from a user input, by comparing a first set of the business process data with a second set of the business process data" and "determining a final goal of the user's action chosen from at least one intermediary goal by mapping the context to the at least one intermediary goal." As such, Bullwinkel is incapable of anticipating the present invention as claimed. Accordingly, Applicant respectfully requests this § 102 rejection for Claim 1 be withdrawn.

Claims 2-9

Bullwinkel does not anticipate each and every element of Claim 2. As argued in association with Claim 1 above, Bullwinkel is limited to recording events that occur within a specific software application, is incapable of recording manual tasks, and is business process un-aware.

In contrast, Applicant's invention, as claimed, is a method comprising the step of "capturing an interaction of a user with a software application wherein the interaction is selected from the group of manual interaction, computer-based interaction, or combinations thereof, wherein each interaction generates a set of business process data." Accordingly, Applicant respectfully requests this § 102 rejection be withdrawn for Claim 2 and Claims 3-9 which depend therefrom.

Claims 14-16

Bullwinkel does not teach each and every element of Claim 14. As argued in association with Claim 1 above, Bullwinkel is limited to recording events that occur within a specific software application, is incapable of recording manual tasks, and is business process un-aware.

In contrast, Applicant's invention, as claimed, is a system comprising "process capture elements operable to capture an interaction with software applications generated by at least one user's performance of a business process, wherein said capturing includes capture of data generated by at least one action of the at least one user wherein the action is selected from the group of manual action, computer-based action, and combinations thereof as captured processes." Accordingly, Applicant respectfully requests this § 102 rejection be withdrawn for Claim 14 and for Claims 15-16 which depend therefrom.

Claim 10

Claim 10 stands rejected based upon 35 U.S.C. § 102(b) as being anticipated by Ingoglia (U.S. Patent No. 5,214,780). Applicant respectfully disagrees.

Ingoglia does not teach each and every element of Claim 10. In general, Ingoglia is an automated testing tool for testing computer systems and software. Specifically, it is used for testing windowing systems. In performing this function, Ingoglia performs a record/playback function similar to Bullwinkel (and like Bullwinkel does not teach the present invention as claimed). With respect to the cited text by the Examiner, Ingoglia specifically teaches a toolkit for interfacing with the X11 windowing environment typically used as the user interface for UNIX operating systems and its variants. The toolkit provides the means for a user *to tailor the user interface* of Ingoglia's system to client needs (see col. 5, lines 19-22). In other words, Ingoglia's toolkit is limited to user interface functionality. Notwithstanding the fact that Ingoglia's invention and the present invention as claimed have little in common, Ingoglia certainly is not a toolkit including "a core technology component comprising a function selected from the group of capture, inspect, track, notify, playback, and combinations thereof" as recited in amended Claim 10. Accordingly, Applicant respectfully requests this § 102 rejection for Claim 10 be withdrawn.

Claim Rejections—35 U.S.C. § 103

Claim 11 stands rejected based upon § 103(a) as being unpatentable over Ingoglia as applied to Claim 10 above, in view of Van Ossenbruggen, "The Role of XML in Open Hypermedia Systems." Applicant respectfully traverses.

As argued above in association with Claim 10, Ingoglia does not teach each and every element of Claim 10 and thus Claim 11 which depends therefrom. The combination of Ossenbruggen does not cure this deficiency. Nothwithstanding this fact, nowhere in Ingoglia or Ossenbruggen is the motivation found to combine these references as cited. The Examiner states that the motivation to combine is to "introduce hypermedia technology into as many applications and components of existing computing environments as possible and to evolve current computing environments into a world-wide, unified hypermedia environment spanning multiple computing platforms." Nowhere in either reference is Ingoglia's system referred to as an "open hypermedia system." In fact, Ingoglia is an automated testing system. As such, no motivation to combine Ingoglia and Van Ossenbruggen can be inferred.

Furthermore, nowhere does either reference teach that the addition of XML to Ingoglia is desirable or achievable in any manner. As stated in MPEP 2143.01(III), even if the references can be combined this alone is not itself sufficient to meet the Examiner's burden of prima facie obviousness. Any possible motivation to combine these references has come from Applicant's disclosure and as such is impermissible hindsight construction.

Lastly, the existence of XML does not automatically make the integration of this document language into every known computing environment desirous or achievable. Under this rationale, every single use of XML in any method or system should be desirable and therefore would render the patent application for that method or system obvious. Just as the use of a particular programming language, such as C, to program an application does not automatically render an invention obvious, neither does the incorporation of XML into technology related systems and methods. Without more, there is no motivation to combine these references. Accordingly, Applicant respectfully requests this § 103 rejection for Claim 11 be withdrawn.

Claim 12

Claim 12 stands rejected based upon § 103(a) as being unpatentable over Ingoglia as applied to Claims 10-11 above, in view of Van Ossenbruggen, "The Role of XML in Open Hypermedia Systems." Applicant respectfully traverses.

As argued in association with Claim 10 and 11 above, Ingoglia does not teach each and every element of Claims 10-11 as amended and Claim 12 which depends therefrom. Combination with Van Ossenbruggen does not cure this deficiency. As such, no combination of Ingoglia and Van Ossenbruggen teaches each and every element of Claim 12. Accordingly, Applicant respectfully requests this § 103 rejection for Claim 12 be withdrawn.

Claim 13

Claim 13 stands rejected based upon § 103(a) as being unpatentable over Ingoglia as applied to Claims 10-12 above in view of Chadha, "A Model Driven Methodology for "Business Process Engineering." Applicant respectfully traverses.

As argued in association with Claims 10-12 above, Ingoglia does not teach each and every element of Claims 10-12 as amended and Claim 13 which depends therefrom. Combination with Chadha does not cure this deficiency. Nowhere does Ingoglia mention technology directed towards business processes. Ingoglia is an automated testing tool for windowing environments. Thus, no motivation can exist to combine Chadha, which is specifically directed towards business process engineering, with Ingoglia, an automated testing tool. Moreover, no combination of Ingoglia and Chadha teaches each and every element of Claim 13. Accordingly, Applicant respectfully requests this § 103 rejection for Claim 13 be withdrawn.

CONCLUSION

In view of the above remarks, Applicant respectfully submits that all of the currently pending claims are allowable over the cited prior art. Accordingly, Applicant respectfully requests reconsideration and allowance of all pending claims. The Examiner is invited to telephone the undersigned at (602) 382-6577 at the Examiner's convenience, if that would help expedite prosecution of the subject Application. Applicant authorizes and respectfully requests
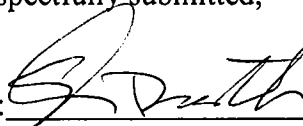
that any fees due be charged to Deposit Account No. 19-2814. **This statement does NOT authorize charge of the issue fee**.

Respectfully submitted,

Date: 7/10/2006

By: _____

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